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09/965,232	09/25/2001	Michael R. Walker	M-8870 US	7891

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EXAMINER

ENG, GEORGE

ART UNIT PAPER NUMBER

2688

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/965,232

**Applicant(s)**

WALKER ET AL.

**Examiner**

George Eng

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. This Office action is in response to the amendment filed 8/12/2005.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-16 and 28-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 28, the claimed language of “the central processing unit executes instructions which allow the keys of the input unit to be used to provide input data to the handset, and which output on the display of the output unit data to be displayed on the handset” is vague and indefinite because it is unclear whether the data is outputting on the display of the output unit or the handset. The following rejection will interpret the claimed limitations as the central processing unit executes instructions, which output data to be displayed on the handset on the display of the output unit. Appropriate correction is required.

Claims 2-16 and 27-43 are also rejected because of depending on claims 1 and 28, respectively, containing the same deficiency.

***Claim Objections***

4. Claim 17 is objected to because of the following informalities: claim 17, line 4, "an in-vehicle controller" should be --the in-vehicle controller-- to be corrected. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 7-9, 11-15, 28, 34-36 and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. (US 2002/0032048A1, hereinafter Kitao).

Regarding claim 1, Kitao discloses an in-vehicle wireless communication system handset controller (105, figure 2) comprising a central processing unit (205, figure 3), an interface (202a,

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figure 3) which allows a wireless communication system handset (106, figure 3) to be controlled by the central processing unit, an input unit (203, figure 3 and figures 7A-7B), an output unit (210, figure 3) comprising a display, wherein the central processing unit executes instructions which allow the keys of the input unit to be used to provide input data to the handset, and which output data to be display on the handset on the display of the output unit, while the handset is operationally coupled to the handset controller ([0045] through [0070]). Although Kitao does not specifically teaching the input unit comprising data input keys larger than keys on a keypad of the handset and the output unit comprising the display larger than a display of the handset, wherein displayed message text characters on the output unit display are larger than displayed message text character on the handset display, Kitao teaches to provide a convenient in-vehicle wireless communication system handset controller that makes an easy-to-operate ([0013] through [0015]). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to recognize Kitao in having the input unit comprising data input keys larger than keys on a keypad of the handset and the output unit comprising the display larger than a display of the handset, wherein displayed message text characters on the output unit display are larger than displayed message text character on the handset display, in order to make an easy-to-operate.

Regarding claim 7, Kitao teaches the data input keys on the screen for entering data ([0070]). Thus, one skill in the art would recognize that the data input keys are backlit.

Regarding claim 8, Kitao teaches to provide the number of data input keys (203, figure 3) for making an easy-to-operate ([0013] through [0015]). Thus, one skill in the art would recognize the number of data input keys obviously larger than the number of key on the handset keypad.

Regarding claim 9, Kitao teaches to provide the display for making an easy-to-operate ([0013] through [0015]). Thus, one skill in the art would recognize that the display is backlighted.

Regarding claim 11, Kitao teaches the controller (105, figure 2) being arranged to be viewable by the driver and having a movable display (210, figure 3) so that the controller is rigidly positioned in the interior of the vehicle to allow a driver of the vehicle to view messages on the display and to operate the data input keys while seated in a driver's seat [0049]).

Regarding claims 12-13, Kitao teaches an audio recognition process unit being included in the controller and the operation being input according to the sounds that are input with the microphone ([0162]) so that one skill in the art would recognize Kitao teaches a voice command input unit coupled to allow the user to cause the handset to dial a telephone number and to manage messages received by the handset and a voice synthesizer unit coupled to audibly output a message received by the handset.

Regarding claims 14-15, Katio discloses the controller (105, figure 3) being coupled to the handset (106, figure 3) via a wireless communication link (107, figure 3), wherein the handset is a cellular telephone handset ([0050]).

Regarding claim 28, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 34, the limitations of the claim are rejected as the same reasons set forth in claim 7.

Regarding claim 35, the limitations of the claim are rejected as the same reasons set forth in claim 8.

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Regarding claim 36, the limitations of the claim are rejected as the same reasons set forth in claim 9.

Regarding claim 38, the limitations of the claim are rejected as the same reasons set forth in claim 11.

Regarding claims 39-40, the limitations of the claims are rejected as the same reasons set forth in claims 12-13.

Regarding claims 41-42, the limitations of the claims are rejected as the same reasons set forth in claims 14-15.

7. Claims 2 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. (US 2002/0032048A1, hereinafter Kitao) in view of Treyz et al. (US PAT. 6,526,335 hereinafter Treyz).

Regarding claim 2, Kitao differs from the claimed invention in not specifically teaching a global positioning system chipset coupled to the central processing unit. However, Treyz teaches an in-vehicle wireless communication system having a global positioning system chipset (112, figure 3) coupled to a central processing unit (72, figure 3) for receiving GPS satellite signals, thereby making user friendly by providing location information to a user (col. 13, lines 66-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kitao in having the global positioning system chipset coupled to the central processing unit, as per teaching of Treyz, in order to make user friendly by providing location information to a user.

Regarding claim 29, the limitations of the claim are rejected as the same reasons set forth in claim 2.

8. Claims 3, 16, 30 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. (US 2002/0032048A1, hereinafter Kitao) in view of Lilja et al. (US PAT. 5,991,640 hereinafter Lilja).

Regarding claim 3, Kitao differs from the claimed invention in not specifically teaching short message service messages being input via the input unit and output through the output unit. However, it is notoriously well known in the art of a portable cellular telephone having expanded functions including short message services, for example see Lilja (col. 2 lines 19-28). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kitao in having short message service messages being input via the input unit and output through the output unit, as per teaching of Lilja, in order to provide expanded functions.

Regarding claim 16, Kitao differs from the claimed invention in not specifically teaching a power supply coupled to charge a battery in the handset. However, Lilja teaches a phone unit of a docking and electrical interface simultaneously supporting a portable mobile cellular telephone, providing battery charging via a power unit for the portable mobile cellular telephone, and interfacing the master electronic system via an audio unit and a master data unit (col. 2 lines 8-17 and col. 4 lines 20-32), thereby providing with charge for the portable mobile cellular telephone. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kitao in having power supply coupled to charge a battery



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in the handset, as per teaching of Lilja, in order to enhance the system by providing with charge for the portable mobile cellular telephone.

Regarding claim 30, the limitations of the claim are rejected as the same reasons set forth in claim 3.

Regarding claim 43, the limitations of the claim are rejected as the same reasons set forth in claim 16.

9. Claims 4-6, 17-21, 23, 27, 31-33, 44-48, 50 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. (US 2002/0032048A1, hereinafter Kitao) in view of Hayashi et al. (JP 10291446A hereinafter Hayashi).

Regarding claims 4-6, Katio differs from the claimed invention in not specifically teaching to output a warning to a user if the handset is not coupled to the handset controller and an engine of the vehicle is started or begins to move. However, Hayashi teaches a telephone system comprising a warning unit generating warning based on the connection state of a portable telephone mounted in a vehicle and the vehicle state in order to inform the connection status to a user, thereby making user friendly (abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Katio in outputting a warning to a user if the handset is not coupled to the handset controller depending on the vehicle operating state, as per teaching of Hayashi, in order to inform the connection status to a user, thereby making user friendly.

Regarding claim 17, Katio discloses a method for controlling a wireless communication handset comprising the steps of enabling keys (203, figure 3) on an in-vehicle controller (105,

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figure 3) to received input data for a handset (106, figure 3) while the handset is operationally coupled to the in-vehicle controller, and displaying messages received by the handset on a display in an output unit (210, figure 3) of the handset controller ([0045] through [0070]). Although Kitao does not specifically teaching the keys on the controller being larger than keys on a keypad of the handset and displayed message text characters on the output unit display being larger than displayed message text character on the handset display, Kitao teaches to provide a convenient in-vehicle wireless communication system handset controller that makes an easy-to-operate ([0013] through [0015]). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to recognize Kitao in having the keys on the controller being larger than keys on a keypad of the handset and displayed message text characters on the output unit display being larger than displayed message text character on the handset display, in order to make an easy-to-operate. Kitao differs from the claimed invention in not specifically teaching to output a warning to a user if the handset is not coupled to the handset controller. However, Hayashi teaches a telephone system comprising a warning unit generating warning based on the connection state of a portable telephone mounted in a vehicle and the vehicle state in order to inform the connection status to a user, thereby making user friendly (abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kitao in outputting a warning to a user if the handset is not coupled to the handset controller, as per teaching of Hayashi, in order to inform the connection status to a user, thereby making user friendly.

Regarding claims 18-19, the limitations of the claims are rejected as the same reasons set forth in claims 4-6.

Regarding claim 20, Kitao teaches the data input keys on the screen for entering data ([0070]). Thus, one skill in the art would recognize the controller comprising backlighted keys.

Regarding claim 21, Kitao teaches to provide the display for making an easy-to-operate ([0013] through [0015]). Thus, one skill in the art would recognize to backlight a display for outputting the larger message text characters.

Regarding claim 23, Kitao teaches an audio recognition process unit being included in the controller and the operation being input according to the sounds that are input with the microphone ([0162]) so that one skill in the art would recognize Kitao teaches the step of enabling a voice interface on the handset controller to control the operations of the handset while the handset is operationally coupled to the handset controller.

Regarding claim 27, Kitao teaches the invention being designed for use in the in-car environment ([0014]) so that one skill in the art would recognize one of the received messages being a cargo pickup or delivery instruction to a driver of the vehicle.

Regarding claims 31-33, the limitations of the claims are rejected as the same reasons set forth in claims 4-6.

Regarding 44, the limitations of the claim are rejected as the same reasons set forth in claim 17.

Regarding claims 45-46, the limitations of the claims are rejected as the same reasons set forth in claims 4-6.

Regarding claim 47, the limitations of the claim are rejected as the same reasons set forth in claim 20.

Regarding claim 48, the limitations of the claim are rejected as the same reasons set forth in claim 21.

Regarding claim 50, the limitations of the claim are rejected as the same reasons set forth in claim 23.

Regarding claim 54, the limitations of the claim are rejected as the same reasons set forth in claim 27.

10. Claims 10 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. (US 2002/0032048A1, hereinafter Kitao) in view of Nakahara et al. (JP 10233865A hereinafter Nakahara).

Regarding claim 10, Kitao differs from the claimed invention in not specifically teaching the display comprising a heads-up display positioned such that a driver of the vehicle sees a displayed image while looking through a windshield of the vehicle. However, Nakahara teaches an on-vehicle communication system to enable a vehicle driver to see a display image without turning his eyes from the path ahead and to improve the convenience of the on-vehicle communication system by a head-up display (figure 5 and abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kitao in having the heads-up display positioned such that a driver of the vehicle sees a displayed image while looking through a windshield of the vehicle, as per teaching of Nakahara, in order to improve the convenience of the on-vehicle communication system.

Regarding claim 37, the limitations of the claim are rejected as the same reasons set forth in claim 10.

11. Claims 22 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. (US 2002/0032048A1, hereinafter Kitao) in view of Hayashi et al. (JP 10291446A hereinafter Hayashi) as applied in claims above, and further in view of Nakahara et al. (JP 10233865A hereinafter Nakahara).

The combination of Kitao and Hayashi differs from the claimed invention in not specifically teaching the display comprising a heads-up display positioned such that a driver of the vehicle sees a displayed image while looking through a windshield of the vehicle. However, Nakahara teaches an on-vehicle communication system to enable a vehicle driver to see a display image without turning his eyes from the path ahead and to improve the convenience of the on-vehicle communication system by a head-up display (figure 5 and abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Kitao and Hayashi in having the heads-up display positioned such that a driver of the vehicle sees a displayed image while looking through a windshield of the vehicle, as per teaching of Nakahara, in order to improve the convenience of the on-vehicle communication system.

12. Claims 25-26 and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. (US 2002/0032048A1, hereinafter Kitao) in view of Hayashi et al. (JP 10291446A hereinafter Hayashi) as applied in claims above, and further in view of Treyz et al. (US PAT. 6,526,335 hereinafter Treyz).

Regarding claim 25, the combination of Kitao and Hayashi differs from the claimed invention in not specifically teaching to use the handset controller to determine a geographic position of the vehicle and sending the determined position to a computer. However, Treyz teaches an in-vehicle wireless communication system having a global positioning system chipset (112, figure 3) coupled to a central processing unit (72, figure 3) for receiving GPS satellite signals, thereby making user friendly by providing location information to a user (col. 13, lines 66-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kitao in using the handset controller to determine a geographic position of the vehicle and sending the determined position to a computer, as per teaching of Treyz, in order to make user friendly by providing location information to a user.

Regarding claim 26, the combination of Kitao and Hayashi differs from the claimed invention in not specifically teaching the acts of receiving a plurality of messages, wherein each unique received message is formatted by a corresponding unique sender in one of a plurality of communication protocols, and identifying the communication protocol and format of each received message, and outputting each unique received message as formatted by each corresponding unique sender. However, Treyz discloses the automobile computer system capable of utilizing various formats to transmit and receive data (col. 12 lines 54-63). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Kitao and Hayashi in having the acts of receiving a plurality of messages, wherein each unique received message is formatted by a corresponding unique sender in one of a plurality of communication protocols, and identifying the communication protocol and format of each received message, and outputting each unique received message as formatted

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by each corresponding unique sender, as per teaching of Treyz, in order to compatible with a plurality of communication protocols.

Regarding claim 52, the limitations of the claim are rejected as the same reasons set forth in claim 25.

Regarding claim 53, the limitations of the claim are rejected as the same reasons set forth in claim 26.

### *Response to Arguments*

13. Applicant's arguments with respect to claims 1-54 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (571) 272-7495. The examiner can normally be reached on Tue-Fri 7:30 AM-5:00 PM, and alternate Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George Eng  
Primary Examiner  
Art Unit 2688